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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,114	03/25/2004	Gregory Showalter	SH-04-01	8042

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EXAMINER

BARTOSIK, ANTHONY N

ART UNIT	PAPER NUMBER
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3609

MAIL DATE	DELIVERY MODE
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05/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/810,114		SHOWALTER, GREGORY	
	Examiner		Art Unit	
	Anthony N. Bartosik		3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 25, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>March 25, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected due to its ambiguity as to whether the preamble of claim 1 is to a subcombination of a roof panel anchor or to a combination of a roof panel anchor and roof panel assembly. Confusion is created in the claim where applicant integrates structural limitations in the preamble, of the roof panel, i.e. "roof panel rib of a roof panel, the roof panel rib having a rib head supported from the roof panel on a rib base that narrows to a rib neck smaller than the rib head at its intersection." For examination purposes claim 1 is being treated as combination of a roof panel anchor and roof panel. Appropriate correction is required.

2. Claim 1 is objected to because of the following informalities: In Line 18 of the claim setscrew is two separate words "set" "screw." Appropriate correction is required.

3. Claim 1 recites the limitation "the setscrews" in Lines 12, 13 & 14, where above in the claim a single setscrew, "a setscrew," is set forth. The disparity between the single "setscrew" and the plural "setscrews" in the claim amounts to an insufficient antecedent basis for the limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Haddock (US Publication 2002/0088196 A1).

6. In Re claim 2, Figures 7C and 7D of Haddock disclose a threaded rod (276) with threads ending intermediate the setscrew, a rounded setscrew end with a smooth abutment surface, a smooth rod extending from and coaxial with the threaded rod and terminating on the setscrew end spaced apart from the threaded rod by the smooth rod.

7. In Re claim 3, Figures 7C and 7D Figures 7C and 7D of Haddock disclose the setscrew end (276) is integral with the smooth rod with its smooth abutment surface blending smoothly and continuously into the smooth rod without an edge or protrusion or other disruption.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haddock (US Publication 2002/0088196 A1) ("here after Haddock '196") in view of Haddock (US 6,146,033) ("here after Haddock '033"). Figures 7C and 7D of Haddock '196 discloses a roof panel rib having a rib head (70) supported from the roof panel on a rib base (58) that narrows to a rib neck (62) smaller than the rib head at its intersection with the rib head, the roof panel rib anchor (204) comprising, first and second opposing anchor

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sides depending from an anchor top forming a channel (296) within, adapted to receive said roof panel rib head and part of the roof panel rib neck (62) in the channel (296), a threaded setscrew (276) penetrating at least one anchor side through a matching threaded hole (284) and separated from the anchor top such that said rib head is receivable in the channel (296) between the setscrews and the anchor top, the setscrews securing the rib head (70) in the channel (296) when received therein, the setscrews (276) intersecting the roof panel rib in the channel (296) at the roof panel rib neck (62) at least partially closing the channel such that said anchor head is prevented from passing out of the channel, the setscrews (276) imparting clamping force on the roof panel rib neck (62) preventing the anchor (204) from sliding on the roof panel rib, threads of the set screw (276) ending intermediate the setscrew (276), leaving a smooth rod terminating on a rounded setscrew (276) end with a smooth abutment surface spaced apart from the threads by the smooth rod, the rod end integral with its smooth abutment surface blending smoothly and continuously into the smooth rod. Haddock '196, however, lacks the teaching of a rib bar. Alternatively, Figure 19 of Haddock '033 teaches the use of a rib bar (240) adapted to fit within the neck between the roof panel rib neck opposing sides bracing them from collapsing, substantially maintaining the shape and structural integrity of the roof panel under said clamping force. It would have been obvious to one skilled in the art at the time of the invention to integrate the roof panel clamp of Haddock '196 with the rib bar of Haddock '033 to prevent lift off of the clamp.

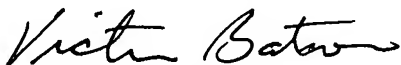
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Conclusion

Prior art made of record and not relied upon is considered pertinent to applicant's disclosure, McNichol (US 6,688,047). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony N. Bartosik whose telephone number is 2723600. The examiner can normally be reached on M-F 7:30-5:00; Alter Fri Off E.D.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Batson Victor can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson
Supervisory Patent Examiner
Art Unit 3600